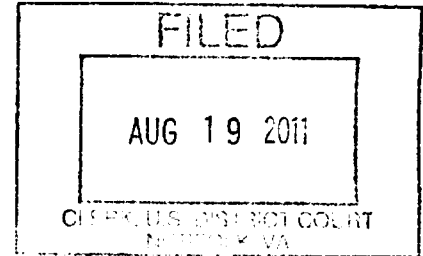


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ROBERT M. SHOOP,
Individually and as Executor,
etc., et al.,

Plaintiffs,

v.

ACTION NO. 4:10cv125

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Defendant.

ORDER

This matter comes before the court on the Motions for Summary Judgment, filed by the plaintiffs on April 22, 2011, and by the defendant on May 17, 2011. The matter was referred to a United States Magistrate Judge by order of June 1, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge conducted a hearing on June 14, 2011. The Magistrate Judge's Report and Recommendation was filed on July 19, 2011. The magistrate judge recommended that the plaintiffs' Motion for Summary Judgment be granted; defendant's Motion for Summary Judgment be denied; and that judgment for the


benefit due under the policy be entered. By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On August 2, 2011, the court received defendant's Objections to the Magistrate Judge's Report and Recommendation, and on August 15, 2011, the court received plaintiffs' Reply to the Objections.

The court, having examined the objections to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed July 19, 2011. Accordingly, the plaintiffs' Motion for Summary Judgment is **GRANTED**; the defendant's Motion for Summary Judgment is **DENIED**; judgment is **ENTERED** in favor of the plaintiff beneficiaries, Robert M. Shoop and Michael Shoop, for the balance of the coverage elected in the amount of \$750,000.00; and, the parties are **DIRECTED** to file further briefing on the plaintiffs' claims for prejudgment interest and attorneys' fees on a schedule to be set by the Magistrate Judge.

The Clerk shall forward a copy of this Order to counsel for the parties.

It is so **ORDERED**.

Norfolk, Virginia
August 18, 2011

/s/ 

Rebecca Beach Smith
United States District Judge